

## MINUTES

South Carolina Perpetual Care Cemetery Board  
Board Meeting  
10:00 a.m., May 19, 2004  
Synergy Business Park  
110 Centerview Drive, Kingstree Building, Room 111  
Columbia, South Carolina

Mr. Russ, Chairman, called the meeting to order at 10:00 a.m.

Board members attending the meeting included: John E. Bartus, of Mauldin; Roger Finch, of Honea Path; Russel Floyd, Jr., of Spartanburg; Thomas Johnson, of Charleston; James W. Russ, of Conway; and Andrew Cone, of Pickens.

Ray Visotski, of Aiken, was granted an excused absence.

Staff members participating included: Wendi Elrod, Administrative Specialist; Dwight Hayes, Administrator; Bill Whitby, Investigator; Sharon Dantzler, General Counsel.

Members of the public participating included: Rick Riggins, of Lancaster Memorial Park in Lancaster.

### Meeting Called to Order

Mr. Russ announced that public notice of this meeting was properly posted at the S. C. Perpetual Care Cemetery Board office, Synergy Business Park, Kingstree Building, provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. He noted that a quorum is present.

### Pledge of Allegiance

All present recited the Pledge of Allegiance.

### Approval of Minutes for the February 18, 2004 Meeting

Mr. Floyd made a motion for the minutes to accepted, seconded by Mr. Bartus and unanimously carried.

### Action Items (Vote Required)

#### Unfinished Business

##### 1. Update on cemeteries that are not in compliance

Evening Star Memorial Gardens, in Greenwood. Mr. Hayes stated that the cemetery almost received a license but there were some other issues that needed to be cleared up before a license could be issued. Unfortunately the check that was received came back for NSF (non sufficient funds). Mr. Hayes recommended that the board give Mr. Syrkett

10 to 15 days to clear up the NSF check or a warrant will be signed for the bad checks. Mr. Hayes explained that the board staff has made several attempts to contact Mr. Syrkett with no success.

#### MOTION

Mr. Floyd made a motion for a warrant to be signed on Mr. Syrkett if he doesn't clear up the NSF check and the fees for the returned check, Mr. Bartus seconded the motion, which motion carried unanimously.

Cemeteries that have not sent all of their necessary documentation.

Mr. Hayes stated that there are about 50 to 60 licensee's that have not sent in all of their documentation. At this time those cemeteries are okay due to the fact that they are at least trying to comply.

#### 2. Update on Graceland Cemetery Maintenance and Care Trust Fund

Mr. Hayes stated that shortly after the last Board meeting he received communication from Alderwoods attorney via e-mail stating that since the money doesn't need to be trusted then the money belongs to Alderwoods. We sent a letter to Drew Gontley with Alderwoods Group advising him of the Boards position on this matter. Alderwoods response for one was if the money doesn't have to be trusted then Alderwoods gets to keep it and two the Board doesn't have the authority to enforce that the money be passed on with the cemetery. Mr. Hayes stated that the Board has the authority to approve or disapprove the new application for license when a cemetery is transferred. In this case what they have is an un-funded liability for about \$900,000 dollars. The new owner would be responsible for all opening and closings that Alderwoods was paid for. The last that was heard from Mr. Pirkl with Port Elsewhere was that they were contacting their attorney, Mr. Frank Adams. Mr. Adams explained to Mr. Hayes when they spoke that Port Elsewhere has contacted Alderwoods and stated that Alderwoods can have their cemetery back, that we closed on this deal contingent upon the Board's approval.

Mr. Hayes stated that in his opinion there is no difference between the Perpetual Care and Merchandise because the cemetery is still selling a service. Cutting the grass, selling a Monument/Marker or opening/closing are all services that the cemetery provides. Mr. Hayes also stated that according to the law the Merchandise Fund does not have to be in the form of a trust fund it just needs to be a fund and opening and closings are not required to be apart of this so in Alderwoods theory they can do as they please with the funds in this account. Mr. Hayes informed the Board that Alderwoods did not invest 100 percent into this fund it was only about 80 percent. Mr. Floyd questioned that the Board's position is that the liability has to be funded and how Port Elsewhere and Alderwoods work that out is up to them. Mr. Hayes pointed out that the Board should contemplate on how much of the liability on opening and closings should be funded.

#### 3. Update on Rest Lawn Memorial Park in Lake City

Mr. Hayes stated that the last update that we got on Mary Carter was that she was possible in Tennessee living with one of her children. The mortgage holder of the cemetery is Brown Reality and they have kept things going with the cemetery since Ms. Carter has left town. Mr. Hayes stated that he would try to take a trip to the cemetery

and then follow up with Brown Reality and try to obtain more information on if graves are being sold. So we can determine if the cemetery needs to get a license.

#### 4. Final Annual Reporting Form

Mr. Floyd stated that the form doesn't need to be complicated so the trustee won't charge the cemetery more for the service. Mr. Russ will send the reporting form that his cemetery currently uses to see if that will be acceptable to use with out asking for more.

#### 5. Final Inspection Form

Changes to the inspection form, on number 11 add (PC). Under Records after number 6 add (III) section, on number 7 delete (posted) and, and add (at reception desk after available). On number 8 add (required and optional). On number 9 delete (posted conspicuously) and add (available). Delete (remarks) and replace with (review).

#### New Business - Dwight Hayes

1. Lancaster Memorial Park - change trustee
2. Garden of Memories - change trustee

The Board reviewed the information and authorized the Board staff to review and approve trustee changes on their behalf. If there are any unusual issues that arise it needs to be presented to the Board for their approval.

#### MOTION

Mr. Floyd made a motion to have the staff act on their behalf on trustee transfers, Mr. Cone seconded, which motion carried unanimously.

#### Public Comments (No Votes May Be Taken)

There were no public comments made during the May 19, 2004 meeting.

#### Executive Session

#### MOTION

Mr. Bartus moved the Board enter executive session at 12:05 pm to discuss a personnel issue. Mr. Finch seconded the motion, which carried unanimously.

#### Return to Public Session to Report on Executive Session

#### MOTION

Mr. Bartus made a motion at 12:25 pm, seconded by Mr. Johnson and unanimously carried, that the Board return to public session.

Mr. Russ noted for the record that no motions were made and no votes were taken during executive session.

#### Adjournment

There being no further business to be discussed at this time, Mr. Russ adjourned the at 12:28 pm.

The next meeting of the S.C. Perpetual Care Cemetery Board has been scheduled for

August 25, 2004.